

PATENT

Application No. 10/759,844  
Attorney Docket No. 067575-5006-US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
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In re application of:

Daniel L. GASPER

Application No. 10/759,844

Filed: January 15, 2004

For: SPORT EQUIPMENT RACK

Conf. No. 8758

Art Unit: 3727

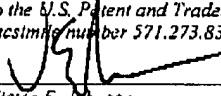
Examiner: Corey Nelson SKURDAL

Docket No.: 067575-5006-US

APR 26 2008

Certificate of Transmission (37 C.F.R. § 1.8)

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office in accordance with § 1.6(d), facsimile number 571.273.8300 on April 26, 2008.

  
Victor E. JohnsonMail Stop PETITION  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

☒ Transmitted herewith is:

- 1) PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b);
- 2) AMENDMENT AND REPLY;
- 3) One (1) REPLACEMENT SHEET; and
- 4) One fax cover sheet.

☒ The fees have been calculated as shown below:

	Claims Remaining After Amendment	Minus	Highest Previously Paid For	Present Extra	Small Entity Rate Fee	OR	Other than a Small Entity Rate Fee
Total Claims	23	-	23	0	x 25 = \$		x 50 = \$0
Ind. Claims	2	-	3	0	x 105 = \$		x 210 = \$0
[] Multiple Dependent Claim Presented and Fee not Previously Paid					+185 = \$		+370 = \$
					TOTAL \$		TOTAL \$0

Total Additional Claims Fee: \$ 0

Petition Fee: \$ 1540.00

TOTAL FEES: \$ 1540.00

☐ No fee is required.

04/29/2008 PCHOMP 00000019 500310 10759844

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I-SF/7696434.1

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PATENT

APR 26 2008

Application No. 10/759,844  
Attorney Docket No. 067575-5006-US

- ☐ A check including the amount of the above-indicated TOTAL FEES for \$ \_\_\_\_\_ is attached.
- ☒ Please charge the above-indicated TOTAL FEES of \$ 1540.00 to Deposit Account No. 50-0310 (Order No. 067575-5006-US).
- ☒ The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-0310 (Order No. 067575-5006-US).

Respectfully submitted,

Date: April 26, 2008

By: 

Victor E. Johnson, Reg. No. 41,546  
Filed Under 37 C.F.R. § 1.34

MORGAN LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, California 94105  
Tel: 415.442.1000  
Fax: 415.442.1001

APR 26 2008

PTO/SB/84 (01-08)

Approved for use through 04/30/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	<b>Docket Number (Optional)</b> 067575-5006-US
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First named inventor: Daniel L. GASPER

Application No.: 10/759,844

Art Unit: 3727

Filed: 1/15/2004

Examiner: Corey Nelson SKURDAL

Title: Sport Equipment Rack

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1540.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
 the form of an AMENDMENT AND REPLY (identify type of reply):

☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

APR 26 2008

PTO/SB/64 (01-08)

Approved for use through 01/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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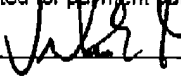
## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
 \_\_\_\_\_  
 Signature

 4/26/2008  
 \_\_\_\_\_  
 Date

 Victor E. Johnson  
 \_\_\_\_\_  
 Typed or printed name

 41,545  
 \_\_\_\_\_  
 Registration Number, if applicable

 MORGAN LEWIS & BOCKIUS LLP  
 \_\_\_\_\_  
 Address

 415.442.1000  
 \_\_\_\_\_  
 Telephone Number

 One Market, Spear Street Tower, San Francisco, California 94105  
 \_\_\_\_\_  
 Address
Enclosures: ☐ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Facsimile cover sheet, TRANSMITTAL and one (1) REPLACEMENT SHEET

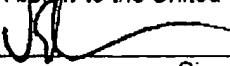
## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

April 26, 2007

Date

  
 \_\_\_\_\_  
 Signature

 Victor E. Johnson  
 \_\_\_\_\_  
 Typed or printed name of person signing certificate